

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRANDON BARNES,

Plaintiff,

-against-

THE CITY OF NEW YORK et al.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 12/2/2020

19-cv-7275 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

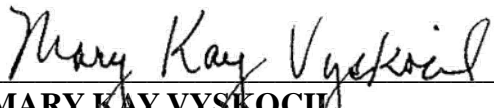
The Court is in receipt of the parties' letter informing the Court that they have reached a settlement, along with their Proposed Order of Dismissal [ECF #30, 30-1 ("Proposed Order")]. The parties propose that the Court "shall continue to retain jurisdiction over this action for the purpose of enforcing the terms of the settlement agreement reached between the parties and set forth in the Stipulation of Settlement executed by the parties in this matter." Proposed Order at 2. However, as the Court clearly states in its Individual Rules of Practice in Civil Cases, the Court typically will not retain jurisdiction to enforce settlement agreements. Moreover, the parties have not filed a copy of the settlement agreement that the parties wish the Court to retain jurisdiction to enforce.

The parties are free to privately settle this case, pursuant to Rule 41(a)(1)(A)(ii), on any terms they wish, and they will be bound by the terms and conditions of their stipulation of voluntary dismissal. 9 Wright & Miller, Federal Practice & Procedure § 2363 (3d ed. 2008). Such a voluntary dismissal by stipulation does not require judicial approval. *Torres v. Walker*, 356 F.3d 238, 243 (2d Cir. 2004). However, if the Court issues the parties' Proposed Order and retains jurisdiction to enforce the terms of their settlement agreement, that disposition will carry the Court's "judicial imprimatur." *Id.*

Accordingly, IT IS HEREBY ORDERED that, on January 7, 2021 at 12:00 PM, the parties shall appear for a conference to discuss their Proposed Order. The conference will be held by telephone. To join, dial 888-278-0296 at the scheduled time. When prompted, enter Access Code 5195844.

SO ORDERED.

Date: December 2, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge